

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§	
PETITION OF JESSIE E. WALKER	§	No. 219, 2008
FOR A WRIT OF MANDAMUS	§	Del. Super., Cr. ID No. 0411019425

Submitted: December 23, 2008

Decided: January 12, 2009

**ORDER**

This 12<sup>th</sup> day of January 2009, it appears to the Court that:

(1) The petitioner, Jessie E. Walker, filed a petition for a writ of mandamus asserting that the Superior Court had failed or refused to rule upon a motion for return of seized property that Walker had filed in February 2008. On August 15, 2008, this Court remanded this matter to the Superior Court with instructions, and for consideration of Walker's motion.

(2) On October 14, 2008, the Superior Court filed its findings of fact and report on remand. By order dated December 5, 2008, the Superior Court granted Walker's motion for return of seized property.

(3) On December 10, 2008, the Clerk issued a notice directing that Walker show cause why his mandamus petition should not be dismissed as moot. Walker has not responded to the notice to show cause. Dismissal of this matter is thus deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 29(b) and 3(b)(2), that this matter is DISMISSED as moot.\*

BY THE COURT:

/s/ Randy J. Holland

Justice

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\* See Del. Supr. Ct. R. 29(b) (providing for involuntary dismissal of petition upon notice of the Court); Del. Supr. Ct. R. 3(b)(2) (providing for dismissal by single justice when a party fails to respond to a notice to show cause).